

REMARKS

Claims 1, 3-17, 19, 39-45 and 47-52 are now pending in the application and stand rejected. Claims 2, 18, 20-38, and 46 have been previously canceled. Claims 1, 39 and 48 have been amended herein. Claims 53 and 54 are new. Support for the amendments and new claims can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments, new claims and remarks contained herein.

APPLICANTS INITIATED REQUEST FOR INTERVIEW

Applicants submit herewith a Request for an Interview with the Examiner to discuss the claim amendments contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3-17, 19, 39-45 and 47-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Funda et al. (U.S. Pat. No. 5,572,999; hereinafter "Funda") in view of Foley et al. (U.S. Pat. No. 6,226,548; hereinafter "Foley"). This rejection is respectfully traversed.

Funda discloses a robot 242, which can include a rectilinear manipulator 6 and a remote center-of-motion distal manipulator 240. The distal manipulator 240 includes rotational sections 7, 250, 251, 252 and a slide motor 253, which can provide axial movement. Each of the rotational sections 7, 250, 251, 252 can include motorized drives 249. The distal manipulator 240 can receive an instrument 241, and can provide

the instrument 241 with five degrees-of-freedom movement. In the example of Fig. 4, the robot 242 can include two distal manipulators 240a, 240b, which can receive two instruments 241a, 241b.

With regard to Foley, Foley discloses a surgical navigation system that includes various registration devices, which can be coupled to an anatomy by various retention devices.

In contrast to the cited art, independent Claim 1 recites:

...a fixture that defines a plurality of attachment points that are **fixed relative to each other**;

a plurality of cannulas coupled to the fixture with each of the plurality of cannulas coupled to a respective one of the plurality of attachment points;

...a plurality of surgical implement receivers provided on the fixture for receiving surgical implements, at least one of the plurality of receivers being substantially coaxially aligned with a respective one of the plurality of cannulas to enable a surgical implement to pass through a respective one of the plurality of receivers and a respective one of the plurality of cannulas (emphasis added).

Independent Claim 39 recites:

...a first fixture having a first configuration defined by a plurality of attachment points that are **fixed relative to each other**;

a second fixture different from the first fixture and having a second configuration defined by a plurality of attachment points that are **fixed relative to each other**;

a plurality of cannulas operable to be coupled to at least one of the first fixture or the second fixture via the respective plurality of attachment points; and... (emphasis added).

Independent Claim 48 recites:

...a fixture that includes a **handle** and a plurality of attachment points that are **fixed relative to each other**;

a plurality of cannulas each coupled to a respective one of the plurality of attachment points of the fixture so

that **manipulation of the handle maneuvers the plurality of cannulas simultaneously** and the plurality of cannulas are independently adjustable relative to the fixture;... (emphasis added).

In view of the above discussion, Applicants respectfully assert that the cited art does not teach, suggest or disclose each and every element of independent Claims 1, 39 and 48. Rather, Funda discloses the use of two separate, discrete distal manipulators 240 that define an attachment point for an instrument. Note that the distal manipulators 240 are **movable** relative to each other, and thus, Funda does not teach, suggest or disclose the use of a fixture that defines a plurality of attachment points that are **fixed** relative to each other to receive a plurality of instruments therethrough, as claimed. Also note that Funda does not teach, suggest or disclose that the fixture includes a handle in which manipulation of the handle maneuvers the plurality of cannulas simultaneously, as claimed in Claim 48. Further, note that it would be improper to modify Funda to include the attachment points being fixed relative to each other as claimed, since it would render the distal manipulator 240 of Funda unsatisfactory for its intended purpose (i.e. to provide five degrees-of-freedom movement of the instrument 241 via the motorized drives 249 and slide motor 153). In addition, note that Foley does not remedy these shortcomings of Funda. Accordingly, for at least these reasons, Applicants respectfully submit that the cited art does not teach, suggest or disclose each and every element of independent Claims 1, 39 and 48.

Accordingly, in view of at least the above discussion, Applicants respectfully submit that the cited art does not teach, suggest or disclose each and every element of independent Claims 1, 39 and 48, and thus, Applicants respectfully request the Office to

reconsider and withdraw the rejection of independent Claims 1, 39 and 48 under 35 U.S.C. § 103(a). In addition, since Claims 3-17, 19, 40-45, 47 and 49-52 depend directly or indirectly from independent Claim 1, 39 or 48, Claims 3-17, 19, 40-45, 47 and 49-52 should be in condition for allowance for at least the reasons set forth for Claims 1, 39 and 48, above. Further, at least some of the dependent claims are believed to have patentable subject matter. For example, Claim 10 recites that the peripheral structure is a handle, which is not taught, suggested or disclosed by the cited art, as discussed above. Accordingly, Applicants respectfully request the Office reconsider and withdraw the rejections of Claims 3-17, 19, 40-45, 47 and 49-52 under 35 U.S.C. § 103(a).

NEW CLAIMS

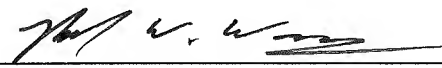
Applicants have added new Claims 53 and 54. Applicants note that support for these claims can be found throughout the specification and drawings as originally filed, on at least page 18, lines 19-30 of the specification as originally filed, and thus, these claims do not add new matter. Further, new Claim 53 is believed to be in condition for allowance as the cited art does not teach, suggest or disclose that the display apparatus displays a plurality of icons that each represent a projected trajectory for each of the plurality of cannulas superimposed onto the image of the anatomy. With regard to new Claim 54, new Claim 54 is believed to be in condition for allowance as the cited art does not teach, suggest or disclose that the peripheral structure is fixed relative to the plurality of attachment points, as claimed. Prompt and favorable consideration of these new claims is hereby respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 21, 2009

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